

Introduced by Senator Wolk

February 18, 2010

An act to amend Sections 13550, 13551, 13552.2, and 13552.6 of, *and to add Section 13052 to*, the Water Code, relating to recycled water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1173, as amended, Wolk. Recycled water.

(1) *The Porter-Cologne Water Quality Control Act establishes a statewide program for the control of the quality of all the waters in the state.*

This bill would define raw water for purposes of the act.

(1)

(2) Existing law declares that the use of potable domestic water for nonpotable uses is a waste or an unreasonable use of water if recycled water is available, as determined by the State Water Resources Control Board, and other requirements are met.

This bill, instead, would declare that the use of ~~nonrecycled~~ *raw or potable domestic* water for nonpotable municipal or industrial uses is a waste or unreasonable use of water if recycled water is available, as determined by the board, and other requirements are met.

(2)

(3) Existing law prohibits a person or public agency from using any water that is suitable for potable domestic use for nonpotable uses if suitable recycled water is available, as determined by the board, and other requirements are met.

This bill, instead, would prohibit a person or public agency from using ~~nonrecycled~~ *raw or potable* water that is suitable for nonpotable

municipal or industrial uses if suitable recycled water is available, as determined by the board, and other requirements are met.

(3)

(4) Existing law declares that the use of potable domestic water for the irrigation of residential landscaping, floor trap priming, cooling towers, and air-conditioning devices is a waste and unreasonable use of water if recycled water is available, as determined by the board, and other requirements are met.

This bill, instead, would declare that the use of ~~nonrecycled raw or potable~~ water for those purposes is a waste and unreasonable use of water if recycled water is available, as determined by the board, and other requirements are met.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Recycled water can serve as an alternative to potable and
4 nonpotable municipal and industrial water supplies, with many
5 potential benefits.

6 (b) Potential benefits of recycled water include, but are not
7 limited to, all of the following:

8 (1) Recycled water provides a reliable water supply that is
9 locally controlled.

10 (2) Use of recycled water may decrease the need to divert or
11 import water from sensitive rivers and streams.

12 (3) Recycled water may also allow communities to become less
13 dependent on groundwater and surface water sources.

14 (4) Additionally, water reuse may reduce the nutrient loads from
15 wastewater discharges into waterways, thereby reducing and
16 preventing pollution.

17 (c) Recycled water supplies utilized in place of ~~nonpotable raw~~
18 or untreated municipal and industrial water, where appropriate,
19 ~~achieves~~ *achieve* many of the same benefits as replacement of
20 potable water supplies.

21 (d) The state board currently has an equitable, useful, and
22 effective process for determining the appropriate use of recycled
23 water in place of potable supplies. This same process will be useful

1 in determining the appropriate use of recycled water in place of
2 ~~nonpotable~~ raw water that could be used for other municipal and
3 industrial purposes.

4 *SEC. 2. Section 13052 is added to the Water Code, to read:*

5 *13052. As used in this division, “raw water” means surface*
6 *water or groundwater that has not been treated.*

7 ~~SEC. 2.~~

8 *SEC. 3. Section 13550 of the Water Code is amended to read:*

9 *13550. (a) The use of ~~nonrecycled~~ raw water or potable*
10 *domestic water for nonpotable municipal or industrial uses,*
11 *including, but not limited to, cemeteries, golf courses, parks,*
12 *highway landscaped areas, and industrial and irrigation uses, is a*
13 *waste or an unreasonable use of the water within the meaning of*
14 *Section 2 of Article X of the California Constitution if recycled*
15 *water is available that meets all of the following conditions, as*
16 *determined by the state board, after notice to any person or entity*
17 *that may be ordered to use recycled water or to cease using*
18 *~~nonrecycled raw or potable~~ water and a hearing held pursuant to*
19 *Article 2 (commencing with Section 648) of Chapter 1.5 of*
20 *Division 3 of Title 23 of the California Code of Regulations:*

21 *(1) The source of recycled water is of adequate quality for these*
22 *uses and is available for these uses. In determining adequate*
23 *quality, the state board shall consider all relevant factors, including,*
24 *but not limited to, food and employee safety, and level and types*
25 *of specific constituents in the recycled water affecting these uses,*
26 *on a user-by-user basis. In addition, the state board shall consider*
27 *the effect of the use of recycled water in lieu of ~~nonrecycled raw~~*
28 *or potable water on the generation of hazardous waste and on the*
29 *quality of wastewater discharges subject to regional, state, or*
30 *federal permits.*

31 *(2) The recycled water may be furnished for these uses at a*
32 *reasonable cost to the user. In determining reasonable cost, the*
33 *state board shall consider all relevant factors, including, but not*
34 *limited to, the present and projected costs of supplying, ~~delivering,~~*
35 *~~or treating nonrecycled and delivering raw or potable water, and~~*
36 *treating potable water for these uses and the present and projected*
37 *costs of supplying and delivering recycled water for these uses,*
38 *and shall find that the cost of supplying the treated recycled water*
39 *is comparable to, or less than, the cost of supplying ~~nonrecycled~~*
40 *raw or potable water.*

1 (3) After concurrence with the State Department of Public
2 Health, the use of recycled water from the proposed source will
3 not be detrimental to public health.

4 (4) The use of recycled water for these uses will not adversely
5 affect downstream water rights, will not degrade water quality,
6 and is determined not to be injurious to plantlife, fish, and wildlife.

7 (b) In making the determination pursuant to subdivision (a), the
8 state board shall consider the impact of the cost and quality of the
9 recycled water on each individual user.

10 (c) The state board may require a public agency or person
11 subject to this article to furnish information that the state board
12 determines to be relevant to making the determination required in
13 subdivision (a).

14 ~~SEC. 3.~~

15 *SEC. 4.* Section 13551 of the Water Code is amended to read:

16 13551. A person or public agency, including a state agency,
17 city, county, city and county, district, or any other political
18 subdivision of the state, shall not use ~~nonrecycled~~ *raw or potable*
19 water from any source of quality suitable for municipal or industrial
20 use for nonpotable uses, including cemeteries, golf courses, parks,
21 highway landscaped areas, and industrial and irrigation uses if
22 suitable recycled water is available as provided in Section 13550.
23 The use of recycled water in lieu of ~~nonrecycled~~ *raw or potable*
24 water suitable for municipal or industrial use shall, to the extent
25 of the recycled water so used, be deemed to constitute a reasonable
26 beneficial use of that ~~nonrecycled~~ water and the use of recycled
27 water shall not cause any loss or diminution of any existing water
28 right.

29 ~~SEC. 4.~~

30 *SEC. 5.* Section 13552.2 of the Water Code is amended to read:

31 13552.2. (a) The use of ~~nonrecycled~~ *raw or potable* water for
32 the irrigation of residential landscaping is a waste or an
33 unreasonable use of water within the meaning of Section 2 of
34 Article X of the California Constitution if recycled water, for this
35 use, is available to the residents and meets the requirements set
36 forth in Section 13550, as determined by the state board after notice
37 and a hearing.

38 (b) The state board may require a public agency or person
39 subject to this section to submit information that the state board

1 determines may be relevant in making the determination required
2 in subdivision (a).

3 ~~SEC. 5.~~

4 SEC. 6. Section 13552.6 of the Water Code is amended to read:

5 13552.6. (a) The use of ~~nonrecycled~~ *raw or potable* water for
6 floor trap priming, cooling towers, and air-conditioning devices
7 is a waste or an unreasonable use of water within the meaning of
8 Section 2 of Article X of the California Constitution if recycled
9 water, for these uses, is available to the user, and the water meets
10 the requirements set forth in Section 13550, as determined by the
11 state board after notice and a hearing.

12 (b) The state board may require a public agency or person
13 subject to this section to submit information that the state board
14 determines may be relevant in making the determination required
15 in subdivision (a).